

Exhibit 5

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
DARREN BROWN, produced as a witness on behalf of
the Defendants in the above styled and numbered
cause, taken on the 26th day of August, 2008, in the
City of Tulsa, County of Tulsa, State of Oklahoma,
before me, Lisa A. Steinmeyer, a Certified Shorthand
Reporter, duly certified under and by virtue of the
laws of the State of Oklahoma.

A P P E A R A N C E S

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(Via phone)

1 Q Not my question at all. My question is this:
2 You've take an edge of field sample at the edge of
3 the field. You identify drainage pathway, a ditch
4 channel, whatever.

5 A Okay. 04:38PM

6 Q Was there an attempt to then follow that
7 drainage panel -- channel from that field and take
8 additional samples to characterize the quality of
9 the water as it moved along?

10 A Not to my recollection. You're talking at the 04:38PM
11 time of the first sample being collected.

12 Q Not necessarily at that moment, but to draw
13 some connection between that edge of field sample
14 and water quality and a drainage path downstream
15 from it in the ditch, channel, whatever was carrying 04:39PM
16 the water away from that field.

17 A Not in that specific ditch, but in some of the
18 receiving tributaries to ditches, I am aware that
19 surface grab samples were made between where the
20 edge of field sample was collected and where the 04:39PM
21 ultimate discharge would occur.

22 Q There were some grab samples?

23 A There were some surface water grab samples for
24 phosphorus, and I think it was just phosphorus grab
25 samples. 04:39PM

1 Q Was there any attempt to correlate those grab
2 samples to edge of field samples?

3 A That, I'm not aware of.

4 Q Let's change tapes.

5 VIDEOGRAPHER: We are now off the Record. 04:40PM
6 The time is 4:40 p.m.

7 (Following a short recess at 4:40 p.m.,
8 proceedings continued on the Record at 4:52 p.m.)

9 VIDEOGRAPHER: We are now back on the
10 Record. The time is 4:52 p.m. 04:52PM

11 Q Mr. Brown, are you familiar with the stream
12 water synoptic sampling that was performed below and
13 above the wastewater treatment plants on October
14 24th and 26th of 2007?

15 A Yes, I am. 04:52PM

16 Q I hand you what I've marked as Exhibit 7. Can
17 you identify this for me, please?

18 A Exhibit 7 is a field book titled Illinois
19 River Project 2007, Intensive Stream Survey,
20 Synoptic Survey. Do I need to do the Bates stamp 04:52PM
21 number?

22 Q Well, we put -- what we did is we put the one
23 sheet that was the cover on, but then the pages of
24 interest that I want to ask you questions about are
25 attached to it, so it's not necessarily every sheet 04:53PM